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June 23, 1998

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To: Calfed Bay Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814
Attention: Rick Breitenback

From: Patrick E. Kelly
900 East 19th Street
Chico, California 95928

Subject: Comment Draft Programmatic EIS/EIR

Dear Mr. Breitenback:

It is stated in the first paragraph of the introduction of the Programmatic EIS/EIR, Executive Summary of March 1998, that two-thirds of all Californians get their drinking water from the Bay-Delta System. It also states that the system supplies the irrigation water for the world's largest agricultural economy.

The development of Southern California with the resultant population growth was made possible by the transfer of water from all possible sources, including the Bay-Delta. This has created several environmental problems in this area. Likewise, the use of this water for irrigation in the San Joaquin Valley has led to environmental problems (Kesterson Reservoir). Any further development in the above areas will require more water. This need is the motivating force driving the Calfed Bay-Delta Program.

An increase in the supply of water for development, however, will be growth-inducing. This will exacerbate the already existing environmental problems.

Both Cequa and Nepa require a discussion of growth-inducing impacts of a proposed project. Please see enclosed attachment. I cannot find a discussion of this aspect of the Calfed Bay-Delta Program in the Draft EIS/EIR.

Respectfully submitted,

Patrick E. Kelly

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Environmental Impact

All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed.

(a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.

(b) Any Significant Environmental Effects Which Cannot be Avoided if the Proposal is Implemented. Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

(c) Mitigation Measures Proposed to Minimize the Significant Effects. Describe measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy. The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures that are not included but could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR. Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified if one has been selected. Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F. If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (Stevens v. City of Glendale, 125 Cal. App. 3d 986.)

(d) Alternatives to the Proposed Action. Describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and evaluate the comparative merits of the alternatives.

(1) If there is a specific proposed project or a preferred alternative, explain why the other alternatives were rejected in favor of the proposal if they were considered in developing the proposal.

Ross, Ronald E
and
Herson, Albert I
Successful Ceqa Compliance: A Step by Step Approach
January 1991 Solano Press Books
Point Arena California

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(2) The specific alternative of "no project" shall also be evaluated along with the impact. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

(3) The discussion of alternatives shall focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

(4) If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed but in less detail than the significant effects of the project as proposed. (County of Inyo v. City of Los Angeles, 124 Cal. App. 3d 1.)

(5) The range of alternatives required in an EIR is governed by "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The key issue is whether the selection and discussion of alternatives fosters informed decision-making and informed public participation. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. (Residents Ad Hoc Stadium Committee v. Board of Trustees, (1979) 89 Cal. App. 3d 274.)

(e) The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity. Describe the cumulative and long-term effects of the proposed project which adversely affect the state of the environment. Special attention should be given to impacts which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. In addition, the reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for further alternatives, should be explained.

(f) Any Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Action Should it be Implemented. Uses of nonrenewable resources during theinitial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

(g) The Growth-Inducing Impact of the Proposed Action. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

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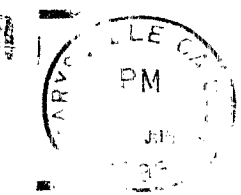

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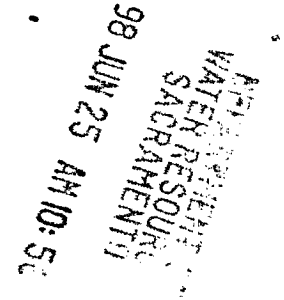

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